IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1791 OF 2004

IN

S.C. SUIT NO.1743 OF 2004

M/s.Sheth Properties Pvt. Ltd. .... Plaintiff.

vs.

Dhairyabala Ashok Parikh. .... Defendants.

Mr.Sanjiv Singh i/b. Bipin Joshi, for Plaintiff.

Mr. N.G.Raut, for Defendants.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2005

P.C.:-

1. This is a notice of motion taken out by the plaintiff. The plaintiff has filed the suit for decree of specific performance of the agreement to develop the property. The settled law is that a decree of specific performance for an agreement to develop the property cannot be granted, and therefore, it cannot be

said that the plaintiff has strong prima facie case. As the plaintiff does not have prima facie case, he is not entitled to any interim order. Notice of Motion disposed of.